



COPY

Law Offices of
PERMAN GLENN, III

Perman Glenn, III*

*Also admitted in Louisiana

A Professional Corporation

Nancy C. Snyder

March 14, 2006

United States District Court of MA
AUSA Paul Smyth
1550 Main Street
Springfield, MA 01103

RE: United States vs. Miguel Lozada
Criminal Action: 05-30050-MAP

Dear Attorney Smyth:

Please be advised that while I understand that you may have objections to my timing as to this Discovery Letter, I must disclose that the information I am seeking in this letter did not come to my attention until March 11, 2006. My understanding of the Local Rules Concerning Criminal Cases is that a late discovery request is permitted if the information sought was prompted by information not known, or issues not reasonably foreseeable to me before the deadline for discovery issues. This request was prompted by entirely new information disclosed to me by my client on the evening of March 11, 2006.

Specifically I would like you to produce the following items:

1. Based on information and belief that there was a cassette tape exists of Julian Rios seized from Jose Pagan wherein Julian Rios is requesting "hits" on particular persons. It is my understanding that Julian Rios specifically is heard sending a "hit" to terminate other members of the Latin Kings. This behavior would be in violation of the Section V. Admonishments to the CI/CW. Does this cassette tape exist and if so, please advise me of such. If in fact this tape does exist and the contents are as I've described, I believe that this firmly illustrates that Julian Rios was in violation of his cooperation agreement with the Government.
2. Based on information and belief, a February 10, 2006 letter to Jeff Kinder regarding Julian Rios' misidentification of a Tito Rodriguez as having made a buy on December 7, 2004. A Motion to Dismiss Indictment has subsequently been filed in the case of U.S. vs. Jose Rodriguez (Criminal Number: 05-30034 MAP). It is my understanding that this matter is being

prosecuted by AUSA Todd Newhouse. Clearly this information is exculpatory to my client in that Julian Rios' has provided the government with unreliable information in other cases.

3. Based on information and belief a July 26, 2005 letter to Attorney Dale Bass regarding David Ruiz (Criminal Number: 05-30038 MAP) wherein the Government informs Defense Counsel that Julian Rios misidentified Andres Cotto in an October 11, 2004 drug deal. Clearly this information is exculpatory to my client in that Julian Rios' has provided the government with unreliable information in other cases.
4. Based upon information and belief that on June 2, 2005 Julian Rios testified before the Grand Jury and was shown photographs of 28 male individuals. I would like to request that you provide me with a copy of these 28 photographs and the Grand Jury testimony of Mr. Julian Rios. It is my understanding that my client, Mr. Lozada, may not be included within this group of photographs.
5. I would like to be provided with a copy of Section V - Admonishments to CI/CW. It is my understanding that this section is contained in the Rules and Regulations to Informant(s). Based on information and belief there are at least two documents which make reference to this section including correspondence To Boston From Boston dated September 27, 2004 and March 25, 2005. Based upon information and belief, both letters were signed by Mark S. Karangekis and Frank Ott and then on March 29, 2005, Michael G. O'Reilly signed the March 29, 2005 letter as well. I think that information discussed above with regard to the audio cassette tape illustrates that Julian Rios' activities were clearly not in accordance with the Government's rules with regard to informants.

As you know it is my position that my client was the subject of entrapment by the Government. It is my sincere belief that the information requested above will provide exculpatory information on behalf of my client and in support of his defense.

Thank you for your time and attention to this matter.

Sincerely,



Perman Glenn, III

cc: Criminal Clerk's Office